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**Davis & Kuelthau, S.C.**

**ATTORNEYS AT LAW**

111 East Kilbourn Ave., Suite 1400  
 Milwaukee, WI 53202-6613

Date: **June 7, 2005**

Number of Pages: **9**  
 (including this page)

To:	Company:	Fax Number:	Telephone Number:
<b>Charitta A. Burt</b>	<b>USPTO</b>	<b>703 746-6704</b>	<b>703 308-9140 x207</b>

From:	Client No:
<b>Patrick M. Bergin</b>	<b>07420.06543</b>

Message: **Examiner Burt,**

Re: **U.S. Application No. 10/511,419**

Thank you for your time earlier this afternoon as well as your suggestions. Please find the enclosed copy of the Petition to Revive we filed on May 11, 2005 along with the Notice of Abandonment dated May 5, 2005. We would appreciate it if you would match the Petition to Revive the application with the application file and forward it to the Commissioner for consideration.

Sincerely,

**Patrick M. Bergin**  
**54,994**

Our Telephone Number:	<b>(414) 276-0200</b>
Writer's Direct Dial:	<b>(414) 225-7563</b>
Writer's Direct Fax Number:	<b>(414) 278-3763</b>

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If you should experience trouble receiving this fax, please call (414) 276-0200. Thank you.

N:\DOCS\07420\06543\10071458.DOC

**Fax information**  
**Date Received:** 5/11/2005 5:06:37 PM [Eastern Daylight Time]  
**Total Pages:** 7 (including cover page)

Received  
Cover  
Page

06/07/05 12:41 FAX 414 276 8918

PTO/SB/97 (09-04)

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To: Office of Petitions  
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## Certificate of Transmission under 37 CFR 1.8

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on 5/11/2005  
Date

Patrick M. Bergin  
Signature

Patrick M. Bergin  
Typed or printed name of person signing Certificate

54994  
Registration Number, if applicable

414 225-7563  
Telephone Number

App. No.: 10/551,419

Inventor: John Mueller

Examiner:

Confirmation No.

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Documents: (1) Petition for Revival of an Application for Patent Abandoned Unintentionally; (2) Response; (3) Transmittal Letter to the United States Designated/Elected Office; (4) Notice of Abandonment

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (09-04)

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 07420.06543
<p>First named inventor: John Mueller</p> <p>Application No.: 10/511,419 <span style="float: right;">Art Unit:</span></p> <p>Filed: 4/16/2002 <span style="float: right;">Examiner:</span></p> <p>Title: CLEANING SPRAY NOZZLE</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (703) 872-9306</p> <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p style="text-align: center;"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol> <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>payment of the full U.S. Basic National Fee</u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ _____.</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-04)

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Patrick M. Bergin  
Signature

5/11/2005  
Date

Patrick M. Bergin  
Typed or printed name

54,994  
Registration Number, if applicable

111 E. Kilbourn Avenue, Suite 1400  
Address

414 225-7563  
Telephone Number

Milwaukee, WI 53202  
Address

- Enclosures: ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Response and Revised Transmittal Letter... Concerning - 35 USC 371

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate

PTO-1390 (Rev. 10-2004)

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U.S. Application unless it displays a valid OMB control number.

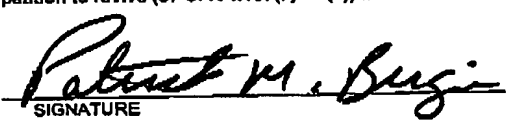
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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 07420.08543
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
<b>INTERNATIONAL APPLICATION NO.</b> PCT/US03/11584	<b>INTERNATIONAL FILING DATE</b> April 16, 2003	<b>PRIORITY DATE CLAIMED</b> April 16, 2002
<b>TITLE OF INVENTION</b> CLEANING SPRAY NOZZLE		
<b>APPLICANT(S) FOR DO/EO/US</b> Mueller, John and Mueller, Patty		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> Is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> Is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 2

PTO-1380 (Rev. 10-2004)  
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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. <b>PCT/US03/11584</b>		ATTORNEY'S DOCKET NUMBER <b>07420.06543</b>	
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1110.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$950.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00 <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				CALCULATIONS      PTO USE ONLY	
				\$ 750	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	21      - 20 =	1	X    \$18.00	\$ 18.00	
Independent claims	2      - 3 =		X    \$88.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+    \$300.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 768	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 384	
<b>SUBTOTAL =</b>				\$ 384	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 384	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>502331</u> in the amount of \$ <u>384</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>502331</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the international application to pending status. SEND ALL CORRESPONDENCE TO:					
				 SIGNATURE Patrick M. Bergin NAME 54,994 REGISTRATION NUMBER	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

May 11, 2005

John Mueller

Serial No. 10/511,419

Filed: April 16, 2002

FOR: CLEANING SPRAY NOZZLE

Docket No.: 07420.06543

VIA FACSIMILE 703 872-9306

RESPONSE

A) INTRODUCTORY COMMENTS

In response to the Notice of Abandonment of dated May 5, 2005, applicant has submitted a revised version of the TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE CONCERNING A SUBMISSION UNDER 35 USC 371 form without the enclosures originally submitted. The revised form authorizes payment of the Basic National Fee via deposit account and authorizes the Commissioner to charge any overpayment to the same deposit account.

The applicant, by his undersigned attorneys, hereby respectfully requests reinstatement of the application.

Respectfully submitted,  
John Mueller, Applicant

By



Joseph S. Heino  
Reg. No. 31,524  
DAVIS & KUELTHAU, s.c.  
111 East Kilbourn Ave., Suite. 1400  
Milwaukee, WI 53202-1633  
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Patrick M. Bergin  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Address COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,419	John Mueller	07420.06543

INTERNATIONAL APPLICATION NO.
PCT/US03/11584

LA. FILING DATE	PRIORITY DATE
04/16/2003	04/16/2002

24382  
JOSEPH S. HEINO, ESQ.  
DAVIS & KUELTHAU, S.C.  
111 E. KILBOURN  
SUITE 1400  
MILWAUKEE, WI 53202-6613

CONFIRMATION NO. 4438

371  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000015879955\*

Date Mailed: 05/05/2005

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

